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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,601	08/30/2001	Simon Julian Powers	36-1477	7934
23117 7590 04/23/2007 NIXON & VANDERHYE, PC			EXAMINER	
	LEBE ROAD, 11TH F	LOOR	NG, CHRISTINE Y	
ARLINGTON, VA 22203			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MO	NTHS	04/23/2007	PAPER	

# Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)				
	09/914,601	POWERS ET AL.				
Office Action Summary	Examiner	Art Unit				
	Christine Ng	2616				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be tim till apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	the mailing date of this communication.  D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 08 Ma	arch 2007.	·				
2a) This action is <b>FINAL</b> . 2b) ⊠ This	a) ☐ This action is <b>FINAL</b> . 2b) ☑ This action is non-final.					
) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.				
Disposition of Claims						
4) Claim(s) <u>1-12 and 15-17</u> is/are pending in the a	application.					
4a) Of the above claim(s) is/are withdrawn from consideration.						
5)⊠ Claim(s) <u>1-12</u> is/are allowed.	·					
6)⊠ Claim(s) <u>15-17</u> is/are rejected.	6)⊠ Claim(s) <u>15-17</u> is/are rejected.					
7) Claim(s) is/are objected to.	•					
8) Claim(s) are subject to restriction and/or	r election requirement.					
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on 30 August 2001 is/are:  Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	a)⊠ accepted or b)☐ objected drawing(s) be held in abeyance. Section is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119	•					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	ion No ed in this National Stage				
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  S Patent and Trademark Office	4)  Interview Summary Paper No(s)/Mail D	r (PTO-413)				

Application/Control Number: 09/914,601

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### **DETAILED ACTION**

### Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim claims a signal, and a signal is non-statutory subject matter.

## Allowable Subject Matter

2. Claims 1-12 are allowed.

### Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (571) 272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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